

## REMARKS

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

The Office Action of April 29, 2007 objected to claims 1 and 5 and rejected claims 1-7 under 35 U.S.C. §112, second paragraph for being indefinite. The Office Action further rejected claims 1-6 as anticipated under 35 U.S.C. §102(b) by Skirde et al., U.S. Patent Application Pub. No. 2002/0152887, and rejected claims 1-3 as being anticipated by Herrick, U.S. Patent No. 3,625,310.

This amendment amends claims 1, 3-5 and 7, cancels claim 2, and adds new claims 8-11. It is respectfully submitted that the amendments to claims 1, 3-5 and 7 overcome the objections to the claims and the rejections under 35 U.S.C. §112, second paragraph.

Anticipation requires a single prior art reference that discloses each element of the claim. W.L. Gore & Associates v. Garlock, Inc., 220 UPSQ 303, 313 (Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For a reference to anticipate a claim, “[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.” Scripps Clinic & Research Foundation v. Genentech Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

It is respectfully submitted that Skirde et al. and Herrick both fail to anticipate claim 1. Claim 1 recites a wall surface having a “smooth low-friction surface.” Claim 1 further recites an interspace between the smooth low-friction surface of the wall surface

and the at least one part that is suited to minimizing the rotating fluid volume and, at the same time, maintaining necessary width for a boundary layer formed in the fluid between the at least one part and the wall surface. Neither Skirde et al. nor Herrick disclose a wall surface having a "smooth low-friction surface" on the side nearest the rotating part. Additionally, neither Skirde et al. nor Herrick discloses an interspace suited to minimizing the rotating fluid volume and, at the same time, maintaining a necessary width for a boundary layer formed in the fluid between the rotating part and the wall surface. Skirde et al. is concerned with a cooling stream between the pivoting body 5 and the cylinder block 10. (See paragraph 0034). Herrick only discloses reducing a quantity of oil within the baffle 34. (See Col. 1, lines 7-10). Since Skirde et al. and Herrick fail to disclose each limitation of claim 1, claim 1 patentably defines over Skirde et al. and Herrick. Therefore, allowance of claim 1 is respectfully requested.

Claim 3 also patentably defines over Skirde et al. and Herrick. Claim 3 recites a screen member having opposite open ends through which fluid passes and a low-friction inner surface. Skirde et al. fails to disclose each of these limitations. Herrick fails to disclose fluid in an inner chamber rotating with gear 32. Since neither Skirde et al. nor Herrick disclose each feature of claim 3, claim 3 patentably defines over Skirde et al. and Herrick. Therefore, allowance of claim 3 is respectfully requested.

Claim 4 patentably defines over Skirde et al. and Herrick for reasons similar to claim 3. Further, claim 4 recites that the screen wall includes opposite ends each of which is defined by a circular peripheral edge. Skirde et al. and Herrick each fail to


disclose this further limitation of claim 4. Therefore, claim 4 patentably defines over Skirde et al. and Herrick and, allowance of claim 4 is respectfully requested.

Claims 5-11 depend from claim 4 and are allowable for at least the same reasons as claim 4. Additionally, claims 5-11 are patentable for the specific limitations of each claim. With specific reference to claim 7, neither Skirde et al. nor Herrick discloses circular open ends having axes angled relative to one another. With respect to claim 8, neither Skirde et al. nor Herrick discloses a wedge-shaped screening member, as is specifically shown in Fig. 5 of the present application. Skirde et al. and Herrick et al. also fail to disclose the limitations of claims 9-11. For at least the reasons set forth above, allowance of claims 5-11 is respectfully requested.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and prompt notice to that effect is respectfully requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



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